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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF
DISCRIMINATION**

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-
governmental organization in general consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



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ENG

Ethnic, religious and ideological discrimination in Indonesia

1. Although the Republic of Indonesia is now nominally a democracy and has ratified many of the major human rights conventions—including the Convention on the Elimination of All Forms of Racial Discrimination (CERD)—equal and just treatment for all citizens remains elusive. Legal sanctions are imposed against persons of Chinese descent, those practicing minority religions and those with allegedly communist ideology, among others. Indigenous peoples are deprived rights to land and self determination, while the central government makes policies affecting them without consultation.
2. Chinese Indonesians have long been a target for discrimination. The military has institutionalized their status through the Coordinating Body for Chinese Problems (BKMC), which still functions to this day. This system made possible the anti-Chinese killing, raping and destruction in May 1998 in Jakarta, Solo, Medan and other places. Though buildings destroyed in the riots are being rebuilt, the victims and their families are yet to see any justice in the form of compensation, and prosecution of the perpetrators.
3. Indigenous groups in Indonesia are also frequently discriminated against. Victims of long-term exploitation and displacement through the transmigration scheme, illegal logging and sale of resources to multinational mining companies, indigenous groups have sometimes resorted to violence to assert their basic rights. While this violence is unacceptable, it must be understood as the result of the continuous transfer of wealth from disenfranchised indigenous groups to economic and military powerbrokers.
4. Religious minorities are little tolerated in Indonesia. Persons belonging to religions other than those with official sanction do not enjoy rights to citizenship, marriage or expression of their beliefs. Military and armed civilian militia groups have exploited religious differences to gain power. The Christian and Muslim communities in Maluku lived in harmony for centuries before military interference in 1999, demonstrating how religious intolerance is inflamed for political and economic benefit. The criminal justice system continues to provide impunity for those inciting and perpetuating religious conflict in Maluku and Central Sulawesi.
5. Ideological discrimination is taken for granted in Indonesia. Since the destruction of the Indonesian Communist Party (PKI) by General Soeharto in 1965-66, communism has been banned. Those who suffered economic and social exclusion, imprisonment, torture and the murder of their family members are no closer to finding justice since his fall in 1997. Former President Wahid's call to remove the ban on communism met with a strong military-sponsored backlash, forcing him to drop the suggestion. Those responsible for the killing of at least 500,000 suspected communists in 1965-66 do not want to see their atrocities exposed to scrutiny, and the inaction of the Indonesian government in investigating and prosecuting this crime against humanity means that the discrimination is sure to continue. Worse, new 'anticommunist' groups have attempted to shut down any political, artistic, peasant, student, worker or non-governmental organisation thought to espouse left-wing ideology. Books have been burnt and shops forced to remove leftist titles. Groups researching the massacre and trying to give victims a proper reburial have been terrorised and forced into hiding.
6. Despite the appointment of the first female President in Indonesia and ratification of the Convention on the Elimination of Discrimination Against Women (CEDAW), women have not found their position advanced. The tiny representation of women in the parliament, military, police, judiciary and economic elite demonstrates the token nature of this appointment. Meanwhile, systemic rape and new forms of exploitation of migrant women workers from rural areas demonstrate the intensity of gender discrimination in

Indonesia.

7. A statement made by twenty Indonesian NGOs at the Tehran regional preparatory meeting for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001, observed that there are at least 62 pieces of racially directed legislation in Indonesia. The statement noted "that racism has its grip not only on the state apparatus, but also among the people themselves. Racism has become a culture of this nation." In keeping with the earlier colonial state, Soeharto's New Order regime used discriminatory laws to entrench its position. Despite Indonesia's accession to the CERD, virtually no legal changes have been made. Clearly, legislative reform is urgently needed: the 62 discriminatory acts must be removed, and the passage of anti-discrimination legislation expedited.
8. However even when legislation is on the side of those suffering discrimination, the dysfunctional criminal justice system fails persons seeking redress. In almost all cases, police, prosecutors and judiciary collectively protect the more powerful (the perpetrators), at the expense of the less powerful (the victims). This system is the product of three decades under military rule. Hence, the first and most vital step for change in Indonesia is demilitarisation. The military machinery's steady expansion since independence—through the introduction of Martial Law (1957), occupation of West Papua (1962), anti-Malaysia campaign (1963), eradication of between 500,000 and two million alleged communist sympathisers (1965-66) and the invasion of East Timor (1975)—must be curtailed. Yet while the fall of Soeharto meant that the military lost its benefactor, it has managed to maintain its position of strength through engineering or inflaming conflicts in Maluku, Central Sulawesi, West Papua and Aceh, as well as promoting ethnic and religious violence throughout Java and Kalimantan.
9. Since May 1998 the Indonesian military has been intimately involved in the conflagration of communal violence. Its involvement takes several forms, including sponsorship of civilian militias, direct combat and interference in the role of civil authorities to prevent the prosecution of those responsible for violence. The pro-Indonesia militias who killed between 1,000 and 2,000 people and razed East Timor during the period of the independence ballot in 1999 were directly organised, funded, trained, fed and transported by the Indonesian military. Likewise, the Laksar Jihad has been free to carry out training near army barracks and travel en masse to incite religious conflict in Maluku, North Maluku and Central Sulawesi. Christian militia, such as the Laksar Jesus militia in Halmahera, North Maluku, have also been allowed to form, arm themselves and organise violence against Muslims in these areas. The 'preman'—civilian youth gangs organised, funded and protected by the military—were used to initiate the May 1998 anti-Chinese riots, the Ambon religious conflict in November 1999, and many attacks on demonstrations by so-called 'leftist' groups seeking rights for peasants, workers, students and ex-political prisoners. Other areas subject to conflict instigated by or otherwise involving the armed forces since 1997 have included:
 - Selat Panjing-Riau, Sumatra (ethnic conflict)
 - Pontianak and Ketapang, Kalimantan (ethnic and racial conflict)
 - Sambas, Sanggau and Sampit, Kalimantan (ethnic conflict)
 - Makassar, South Sulawesi (ethnic and religious conflict)
 - Jakarta, Rengasdengklok, Bandung, Cirebon, Purwakarta, Tasikmalays, West Java (ethnic, racial and religious conflict)
 - Kebumen, Solo, Kudus, Central Java (ethnic, racial and religious conflict)
 - Situubondo, Sampang, East Java (ethnic and racial conflict)
 - Mataran, West Nusa Tenggara (religious conflict)
 - Sikka, East Nusa Tenggara (racial and religious conflict)
 - Freeport mine, West Papua (ethnic conflict due to loss of indigenous land)

10. The government has done nothing to stop these events, and has at the same time taken the approach of direct military conflict in the independence-seeking provinces of Aceh and West Papua, resulting in thousands of deaths, mostly civilian. It is clear that the size and influence of the military not only makes it impossible to reduce communal violence but in fact guarantee ongoing conflict.
11. The Asian Legal Resource Centre urges the cessation of government intervention in religious and ideological beliefs in Indonesia. To this end the government must:
 - Revoke discriminatory legislation and disband organisations such as the BKMC;
 - Introduce anti-discriminatory legislation and school curricula;
 - Engage in campaigns to promote plurality and counter xenophobia and intolerance;
 - Prevent exploitation of indigenous people; and,
 - Introduce positive discrimination programs to rectify the imbalance in opportunities faced by peasants, women, indigenous people and minorities in Indonesia.

Finally, all of these efforts will be futile unless the criminal justice system can be reformed to enable investigation and prosecution for past, present and future violence and injustice against discriminated communities. As stated at the 57th Session of the Commission by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Asma Jahangir, "It is clear that the deteriorating situation in many parts of Indonesia is directly linked to the Government's inability to investigate and prosecute members of its security forces for flagrant human rights violations." Along with substantial demilitarization, prosecution remains the key to building equality and justice and ending violent discrimination in Indonesia.
